

PROPOSAL

Purchase of City Right of Way Property Adjacent to South Holland Road

**Submitted for Consideration by the Flagstaff City Council
November 3, 2020**

By:

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Executive Summary

The **Flagstaff City Code** as defined in **10-01-003-0001.B.1.e** specifically addresses *‘Protecting landowners from adverse impacts of adjoining developments.’* The construction of University Terrace 2 significantly altered the elevation of the land bordering our home in University Terrace, virtually eliminating the privacy afforded our Property by a 6’ perimeter fence, creating an unsightly strip of land (Public Right of Way) adjacent to the property that requires significant and regular maintenance, which together detract from the aesthetic appearance of the development and adversely impact the enjoyment of our property and its value.

The Public Right of Way adjacent to our property is not in **compliance with City Code** and adversely impacts our ability to enjoy the property as we were previously able to, therefore, we respectfully request that the Flagstaff City Council consider this proposal, as supported by staff, that will result in improvements to the land in a matter that will **comply with City Code**, improve the aesthetic appearance of the neighborhood, and restore our ability to **enjoy the use of our property as we were previously able to do**.

We sincerely appreciate the Council’s consideration of the documentation and illustrations that follow, the fact that this proposal would comply with **Flagstaff City Code** (actually bringing the Public Right of Way into compliance), and the fact that accepting this proposal will benefit the City, the neighbors, and ourselves. We welcome any clarification required.

Proposal for Consideration

Consider and Adopt Ordinance 2020-26 as supported by Staff, pertaining to public right of way adjacent to 4013 S Holland Road, Lot 14 – University Terrace, hereafter referred to as **‘the Property’**

Rationale

1. Selling the small **Public Right of Way** is the best option to comply with the intent and purpose of the Flagstaff City Code, as it pertains to **the Property**.
2. Construction of Holland Road extension into new University Terrace 2 development significantly altered the baseline elevation surrounding **the Property**, reducing the effective height of the 6’ privacy fence around **the Property** to:
 - a. As low as 18” on southern property line
 - b. As low as 16” on western property line
3. The **Public Right of Way** between **the Property** and the Holland Road sidewalk has a significant sloped terrain
 - a. The **ground cover** does not comply with **City Code**, requiring significant and ongoing maintenance by homeowner

History

- Owners purchased **the Property** in November, 2009. Lot was bordered by a 6’ privacy fence around the South, West, and North perimeters
- In 2014, the development of University Terrace 2 resulted in a road being cut on the South side of **the Property**, with the elevation of the road rendering the 6’ privacy fence as low as 18” at the back corner of the lot due to the build up
 - o 6 foot privacy fence on southern property line effectively reduced to 4’9” at the eastern corner and to 1’6” at the western corner
- An approximate 14’ wide **Public Right of Way** was established between the Holland Road sidewalk and **the Property**

- The Developer did not construct the **Right of Way to City Code** requirements for soil erosion and ground cover
- After an ineffective attempt to force the Developer to correct the **Right of Way** requirements, the City agreed to improve the **Right of Way to City Code** in July, 2017
- Despite the efforts of the contractor hired by the City in 2017, the **Right of Way** remains improperly graded and the ground cover never grew, leaving the area covered with fast-growing weeds and dirt
- Through the process of trying to correct the Developer inadequacies, the City allowed the **Owners** to improve a portion of the **Right of Way** to be more aesthetically pleasing in July, 2017. **Owners** invested approximately \$6000 to make such improvements.

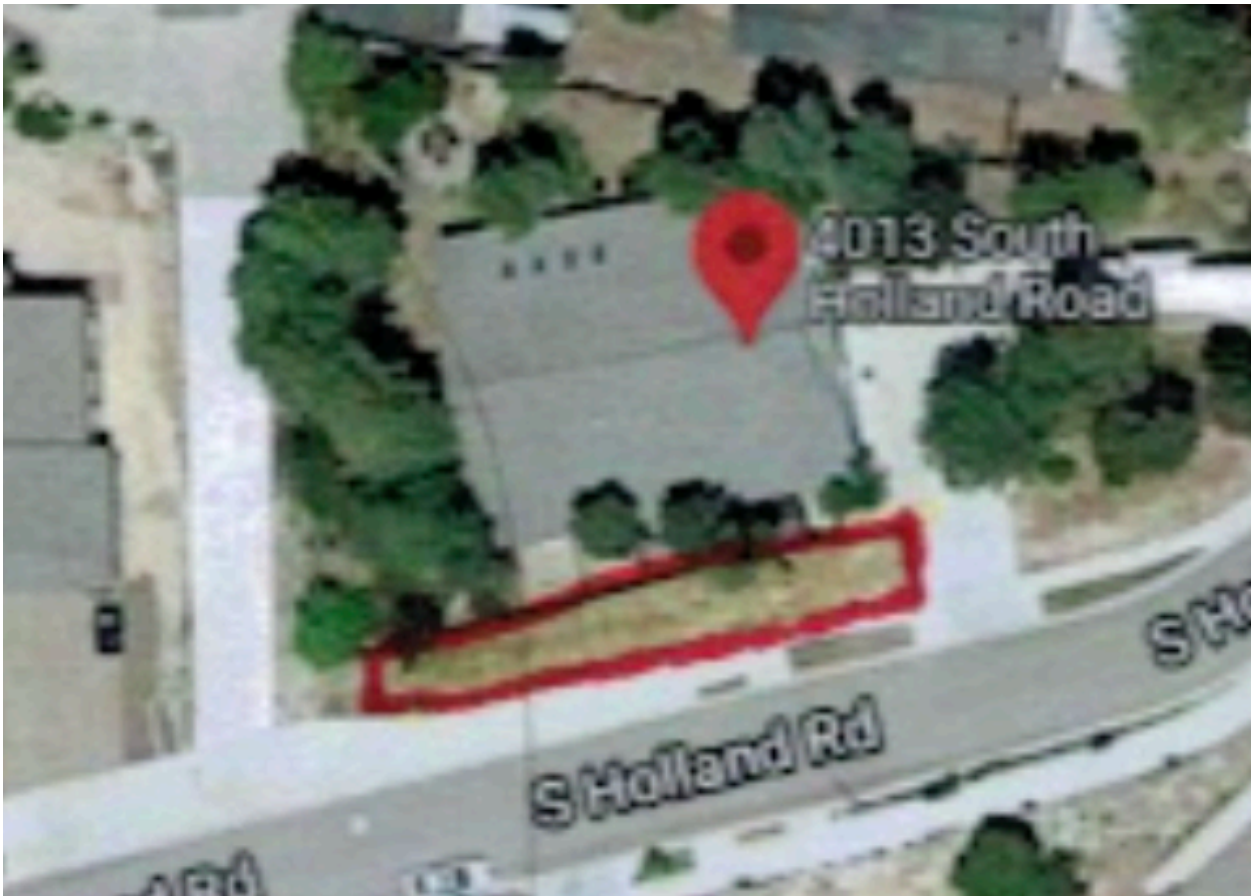
Net Positive Impact of Accepting Proposal

- Overall compliance with **City Code**
 - Intent of **City Code** will be achieved as perimeter fence will provide consistent lot appearance to other residences within neighborhood
 - **New 6'** privacy fence will be constructed around **the Property**
 - More aesthetically pleasing for the neighborhood
 - Original intent of use of **the Property** will be restored
 - Value of **the Property** will be restored
- The unimproved **Public Right of Way** will transfer from being of no use to the City to **useful taxable property**
- City will receive revenue from the sale of the **Public Right of Way**

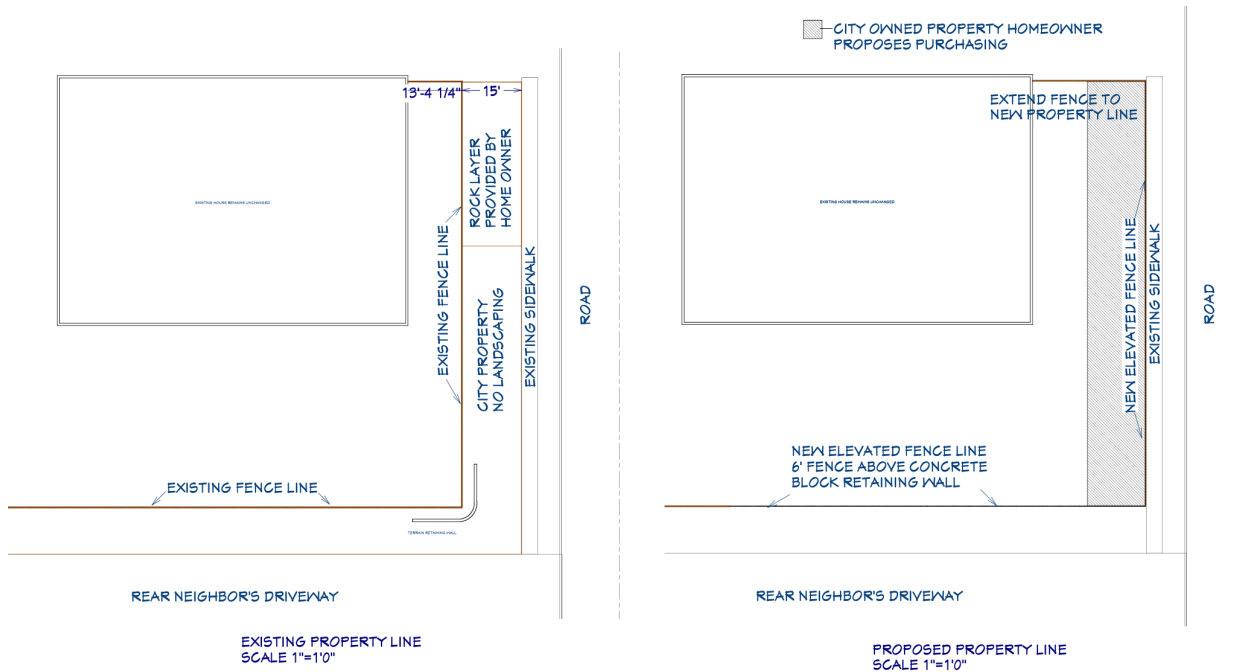
Figures

View of land to be purchased

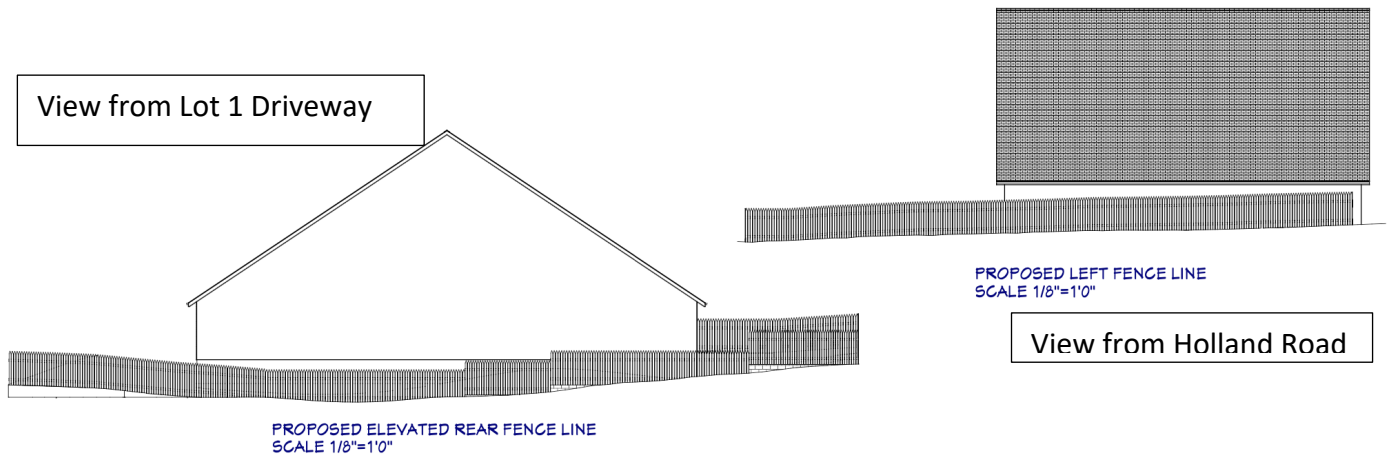




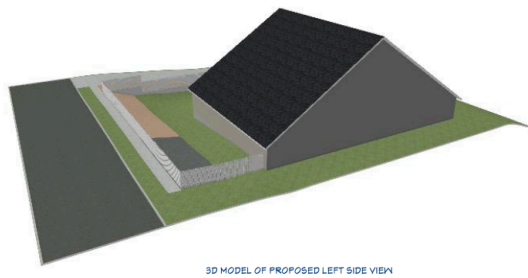
Aerial Schematic of Existing and New Fence Line



Schematic of New Fence Restoring Full 6' Privacy



Rendering of new side fence

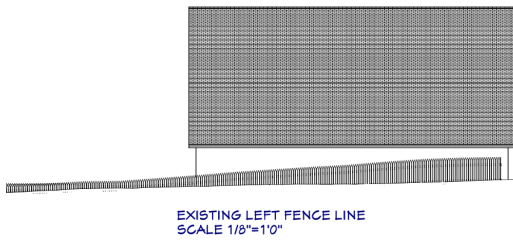


View from Front of The Property

Elevation Prior to and After Holland Road Extension



**Illustration of Fence Privacy Reduction Due to New Elevation
(Measured via Laser from Sidewalk Elevation)**



View from Holland Road

Views of Fence line side and back (Blue Line Represents Holland Sidewalk Elevation)



View of Public Right of Way on Front Portion of the Property - Completed with City Permission (improved by Owners, Demonstrating Improved Aesthetics for Neighborhood; commitment to ensure improvements done properly and professionally)



View of Public Right of Way After City Contractor Repair



Current Views of Public Right of Way (weeds, dirt, does not meet City ground cover requirements)

